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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON,

Plaintiffs,

v.

PATRICK ALLEN, in his official capacity as
head of the Oregon Health Authority, and
DOLORES MATTEUCCI, in her official
capacity as Superintendent of the Oregon State
Hospital,

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY CENTER
FOR BEHAVIORAL HEALTH LEGACY
HEALTH SYSTEM, PEACEHEALTH, and
PROVIDENCE HEALTH & SERVICES,

Intervenors.

Case No. 3:02-cv-00339-MO (Lead Case)
Case No. 3:21-cv-01637-MO (Member Case)
Case No. 6:22-CV-01460-MO (**Member Case**)

**DEFENDANT'S REQUEST FOR JUDICIAL
NOTICE**

JAROD BOWMAN, JOSHAWN DOUGLAS-SIMPSON,

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent of the Oregon State Hospital, in her individual and official capacity, PATRICK ALLEN, Director of the Oregon Health Authority, in his individual and official capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH LEGACY HEALTH SYSTEM, PEACEHEALTH, and PROVIDENCE HEALTH & SERVICES,

Intervenors.

LEGACY EMANUEL HOSPITAL & HEALTH CENTER d/b/a UNITY CENTER FOR BEHAVIORAL HEALTH; LEGACY HEALTH SYSTEM; PEACEHEALTH; and PROVIDENCE HEALTH & SERVICES OREGON,

Plaintiffs,

v.

PATRICK ALLEN, in his official capacity as Director of Oregon Health Authority,

Defendant.

Case No. 3:21-cv-01637-MO (Member Case)

Case No. 6:22-CV-01460-MC (Member Case)

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7-1

Counsel for Defendant certifies that the parties made a good faith effort through conferral to resolve the subject of this Request for Judicial and have been unable to do so at this time.

REQUEST FOR JUDICIAL NOTICE

Defendant hereby make this Request for Judicial Notice under Federal Rule of Evidence § 201 (b). This Request for Judicial Notice is based upon this written request and the attached exhibits.

POINTS AND AUTHORITIES

The federal court has discretion to take judicial notice of matters in the public record at any stage of a proceeding and does not thereby convert a motion to dismiss into a motion for summary judgment. *Skilstaf, Inc. v. CVS Caremark Corp.*, 669 F.3d 1005, 1016 n.9 (9th Cir. 2012). The standard for judicial notice requires sufficient indicia of authenticity and that the matter not be subject to reasonable dispute. *Id.*; see Fed. R. Evid. 201(b)(2) (setting out the grounds for determining “a fact is not subject to reasonable dispute”). A court may properly take judicial notice of: (1) material which is included as part of the complaint or relied upon by the complaint; and (2) matters in the public record.

It is well-established that “[j]udicial notice is appropriate for records and reports of administrative bodies.” *United States v. 14.02 Acres of Land More or Less in Fresno Cty.*, 547 F.3d 943, 955 (9th Cir. 2008) (internal quotation marks omitted). In that case, the Ninth Circuit determined that it was proper for the district court to take judicial notice of a Department of Energy Study as it was “clearly a report[] of [an] administrative bod[y].” *Id.* (internal quotation marks omitted) (modifications in original). Similarly, in *Interstate Natural Gas Co. v. Southern California Gas Co.*, the Ninth Circuit took judicial notice of a certificate of public convenience and necessity. 209 F.2d 380, 385 (9th Cir. 1953).

EXHIBITS

Defendant respectfully requests that the Court take judicial notice of the following public records created and maintained by the Oregon Health Authority in the course of its regulatory duties:

1. Attached as Exhibit 1 is a true and correct copy of Oregon Health Authority Certificate of Approval - Legacy Emanuel Hospital & Health Center dated April 1, 2022.
2. Attached as Exhibit 2 is a true and correct copy of Oregon Health Authority Certificate of Approval- Legacy Emanuel Hospital – Unity Center dated April 1, 2022.
3. Attached as Exhibit 3 is a true and correct copy of Oregon Health Authority Certificate of Approval - Legacy Emanuel Hospital Unity Center Psychiatric Emergency Services dated April 14, 2022.
4. Attached as Exhibit 4 is a true and correct copy of Oregon Health Authority Certificate of Approval -Legacy Good Samaritan Hospital & Medical Center dated March 3, 2022.
5. Attached as Exhibit 5 is a true and correct copy of Oregon Health Authority Certificate of Approval - Legacy Meridian Park Hospital Transport Custody dated April 14, 2022.
6. Attached as Exhibit 6 is a true and correct copy of Oregon Health Authority Certificate of Approval - Legacy Mount Hood Medical Center dated March 18, 2022.
7. Attached as Exhibit 7 is a true and correct copy of Oregon Health Authority Certificate of Approval - Providence Hood River Memorial Hospital dated March 28, 2022.
8. Attached as Exhibit 8 is a true and correct copy of Oregon Health Authority Certificate of Approval - Providence Medford Medical Center dated May 31, 2021
9. Attached as Exhibit 9 is a true and correct copy of Oregon Health Authority Certificate of Approval – Providence Milwaukie Hospital Acute Care/Hold Room dated June 30, 2022.
10. Attached as Exhibit 10 is a true and correct copy of Oregon Health Authority Certificate of Approval – Providence Milwaukie Hospital Senior Psychiatric Unity dated October 13, 2022.
11. Attached as Exhibit 11 is a true and correct copy of Oregon Health Authority Certificate of Approval – Providence Newberg Medical Center dated October 13, 2022.
12. Attached as Exhibit 12 is a true and correct copy of Oregon Health Authority Certificate of Approval – Providence Portland Medical Center – Acute Care Unit dated October 18, 2022.

13. Attached as Exhibit 13 is a true and correct copy of Oregon Health Authority Certificate of Approval – Providence Portland Medical Center Hold Rooms dated December 31, 2022.
14. Attached as Exhibit 14 is a true and correct copy of Oregon Health Authority Certificate of Approval - Providence Seaside Hospital dated October 22, 2022.
15. Attached as Exhibit 15 is a true and correct copy of Oregon Health Authority Certificate of Approval - Providence St. Vincent Medical Center dated October 25, 2022.
16. Attached as Exhibit 16 is a true and correct copy of Oregon Health Authority Certificate of Approval - Providence St. Vincent Medical Center Acute Care Unit dated October 25, 2022.
17. Attached as Exhibit 17 is a true and correct copy of Oregon Health Authority Certificate of Approval - Providence Willamette Falls Medical Center dated April 1, 2021.
18. Attached as Exhibit 18 is a true and correct copy of Oregon Health Authority Certificate of Approval - Sacred Heart Medical Center Acute Care Unit dated December 12, 2019.
19. Attached as Exhibit 19 is a true and correct copy of Oregon Health Authority Certificate of Approval - Sacred Heart Medical Center Acute Care/Hold Rooms dated December 12, 2019.
20. Attached as Exhibit 20 is a true and correct copy of Oregon Health Authority Certificate of Approval - Sacred Heart Medical Center Acute dated December 12, 2021.
21. Attached as Exhibit 21 is a true and correct copy of Oregon Health Authority Certificate of Approval - Sacred Heart Medical Center River Bend dated December 11, 2019.
22. Attached as Exhibit 22 is a true and correct copy of Oregon Health Authority Certificate of Approval - Samaritan Albany General Hospital dated February 28, 2022.
23. Attached as Exhibit 23 is a true and correct copy of Oregon Health Authority Certificate of Approval - Samaritan Lebanon Community Hospital dated November 10, 2022.
24. Attached as Exhibit 24 is a true and correct copy of Oregon Health Authority Certificate of Approval - Samaritan North Lincoln Hospital dated December 10, 2022.
25. Attached as Exhibit 25 is a true and correct copy of Oregon Health Authority Certificate of Approval - Samaritan Pacific Communities Hospital dated November 10, 2022.
26. Attached as Exhibit 26 is a true and correct copy of Oregon Health Authority Certificate of Approval - Samaritan Regional Medical Center Dated November 10, 2022.
27. Attached as Exhibit 27 is a true and correct copy of Oregon Health Authority Certificate of Approval - Samaritan Regional MH Inpatient Program dated November 10, 2022.

28. Attached as Exhibit 28 is a true and correct copy of Oregon Health Authority Certificate of Approval - St. Charles Health System, Inc. Sage View Center dated February 9, 2022.
29. Attached as Exhibit 29 is a true and correct copy of Oregon Health Authority Certificate of Approval - St. Charles Health System, inc. St Charles Medical Center dated February 9, 2022.

DATED December 22, 2022.

Respectfully submitted,

ELLEN F. ROSENBLUM
Attorney General

s/ Carla A. Scott

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